

Bruce Hoesly, Code Editor
Legislative Reference Bureau
Suite 200
1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters 5, 18 and 21

RELATING TO: Technical requirements for conveyances and licensing of installers of
residential conveyances

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: ☒ YES ☐ NO

CONTACT PERSON: Larry Swaziek TITLE: Program Manager

TELEPHONE: 267-7701 EMAIL: Larry.swaziek@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Jack L. Fischer, A.I.A.
Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (15) (j), 101.17, 101.63 and 101.981 to 101.986, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 5, 18 and 21 relating to the technical requirements for conveyances and licensing of installers of residential conveyances.

The public hearing will be held as follows:

Date and Time:

Thursday, May 15, 2008
10:00 a.m.

Location:

Thompson Commerce Building
Third Floor Conference Room #3B
201 W. Washington Ave.
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until May 29, 2008, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at lswaziek@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 5, 18 and 21

RELATING TO: Technical requirements for conveyances and licensing of installers of residential conveyances

1. Types of small businesses that will be affected by the rules.

Small business selling or providing services on conveyance equipment or small businesses that own buildings with conveyances will be affected by the proposed rules. However, based on the minimal costs to provide the safety features of the Firefighters' Emergency Operation (FEO) key switch and to test hydraulic elevators with below ground cylinders, the Department believes there will be no significant impact on small businesses. The following is a summary of the proposed changes:

- a) The proposed rules update chapter Comm 18 by adopting the most current edition of the ASME A17.1, Safety Code for Elevators and Escalators and ASME A18.1, Safety Standard for Platform Lifts and Stairway Chairlifts. It is important for all elevator companies to be designing and providing services to the general public using the most current edition of the national safety standards.
- b) When an elevator is added to a building or an existing elevator has certain alterations, the FEO key will be required. The cost of the key per elevator and per machine room is approximately \$45 and approximately \$60 per hour for installation. The typical installation time is one hour. It is important that elevator companies provide the same key throughout the building to help ensure the safety of firefighters and building occupants should fire or other emergencies occur.
- c) The annual test for hydraulic elevators with below ground cylinders is approximately \$500 per elevator. If oil is leaking from these below ground cylinders and not corrected, the safety of the riding public could be jeopardized.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

The rules create a new form for reporting of 5-year safety tests on elevators. The new form helps simplify the process for reporting the testing results.

3. Types of professional skills necessary for compliance with the rules.

For any small business installing, repairing or maintaining conveyances, the individuals providing these services must be licensed as specified under chapter Comm 5.

4. Rules have a significant economic impact on small businesses.

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No

Rules not submitted to Small Business Regulatory Review Board

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Yes

Rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapters Comm 5,18, and 21

Relating to: Technical requirements for conveyances and licensing of installers of
residential conveyances

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

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| FISCAL ESTIMATE DOA-2048 (R06/99) | <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> CORRECTED | <input type="checkbox"/> UPDATED <input type="checkbox"/> SUPPLEMENTAL | LRB or Bill No./Adm. Rule No. Chapters Comm 5.18 and 21 Amendment No. if Applicable |
| Subject Technical requirements for conveyances and licensing of installers of residential conveyances | | | |
| Fiscal Effect <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> State: <input checked="" type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Create New Appropriation </div> <div style="width: 45%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> </div> </div> <div style="width: 35%;"> <input type="checkbox"/> Increase Costs - May be Possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> | | | |
| Local: <input type="checkbox"/> No local government costs | | | |
| 1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected: Towns <input checked="" type="checkbox"/> Villages <input checked="" type="checkbox"/> Cities <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input checked="" type="checkbox"/> School Districts <input checked="" type="checkbox"/> WTCS Districts | |
| Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S | | Affected Ch. 20 Appropriations None | |
| Assumptions Used in Arriving at Fiscal Estimate The following are anticipated cost impacts of proposed rule changes in Comm 18: | | | |
| 1. Switch key –When an elevator is added to a building or an existing elevator has certain alterations or renovations done, the universal Firefighter's Emergency Operation (FEO) key for fire safety purposes would be required on these elevators and on all other elevators in the building. Each switch key or tumbler assembly costs about \$45, and each elevator and each machine room requires a switch key. The estimated cost for labor is about \$60 an hour, and the typical installation time is one hour. The estimated cost to key a single elevator would be about \$150. For a building with six elevators and two machine rooms, the estimated cost to key all the same would be about \$500. This requirement would help ensure the safety of firefighters and building occupants should fire or other emergencies occur. | | | |
| 2. Annual tests for hydraulic elevators with below ground cylinders – Currently, the Wisconsin code requires annual relief valve setting and system pressure tests for hydraulic elevators installed before January 1975 with below ground cylinders. The proposed rules would align with the national elevator code and require the testing of below ground cylinders and piping installed between January 1975 and January 1994. The purpose of the tests is to determine if the hydraulic cylinders are operating properly to ensure safety for people using the elevators and if any oil is leaking from the cylinders. The estimated cost to perform a routine relief valve test is about \$500 an elevator. Between January 1975 and January 1994, there were about 3,700 hydraulic elevators installed in Wisconsin with below ground cylinders. This testing requirement may affect some state of Wisconsin-owned buildings. The estimated cost for expanding the requirement to 1994, however, would be minimal for these state-owned buildings because the annual elevator maintenance contracts include performing this test. Local governments also will be impacted; however, it is most likely that the majority of hydraulic elevators installed in local government buildings in Wisconsin also are covered by annual maintenance contracts. | | | |
| 3. One- and 2-family dwellings as per WI Act 456 – The proposed rules will require permits, plan reviews and inspections for elevators and dumbwaiters installed in one- and 2-family dwellings. The department believes, however, that the cost impact will not be more than created by the 2005 Wisconsin Act 456. | | | |
| Long-Range Fiscal Implications None known | | | |
| Agency/Prepared by: (Name & Phone No.) Commerce/Larry Swaziek 267-7701 | | Authorized Signature/Telephone No. <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | |
| | | Date | |